

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COUNTY OF MENDOCINO,

Plaintiff,

No. C 05-4429 PJH

v.

**ORDER RE MOTION TO STRIKE  
AND MOTION TO DISMISS**

WILTEL COMMUNICATIONS, LLC,

Defendant.

Defendant's motion to strike the jury demand and the first cause of action, and motion to dismiss the first, third, and fourth causes of action for failure to state a claim came on for hearing before this court on June 7, 2006. Plaintiff County of Mendocino appeared by its counsel Deputy County Counsel Frank Zotter, and defendant WilTel Communications, LLC, appeared by its counsel Michael G. Thornton. Having read the parties' papers and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby rules as follows and for the reasons stated at the hearing.

1. The motion to strike the jury demand is GRANTED as unopposed.
2. The motion to strike the first cause of action for negligence is DENIED.
3. The motion to dismiss the first cause of action for negligence is DENIED.
4. The motion to dismiss the third cause of action for a permanent injunction is DENIED.

1           5.       The motion to dismiss the fourth cause of action for fraud is DENIED.  
2       However, plaintiff shall file a more definite statement, no later than June 21, 2006, pleading  
3       fraud with particularity. The court will consider no further motions to dismiss.

Dated: June 7, 2006

PHYLLIS J. HAMILTON  
United States District Judge